ROAD TRANSPORT FORUM NEW ZEALAND INC
SUBMISSION
On
Omnibus Amendment 2012
Rule 10008

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1.0 Comment

1.1 The Omnibus amendment proposes a range of rule changes the majority of which will have minimal affect on the road freight industry. Two of the proposed amendments to the Vehicle Dimensions and Mass Rule are of particular interest to the industry. We comment on this in Part 1 of our submission.

1.2 This submission also introduces industry proposals for minor amendments to the Vehicle Lighting and Vehicle Dimensions and Mass rule's. These proposals had been discussed at various times with officials over the previous year and while it is unfortunate that they had not been included within the Omnibus Amendment rule they are no less worthy of consideration for inclusion in this round of minor rule amendments. Part 2 of this submission outlines these industry proposals.

PART 1

OMNIBUS AMENDMENT RESPONSE

2.0 VEHICLE DIMENSIONS AND MASS RULE

Proposal 19: Rear Under run protection

2.1 The introductory section of the amendment rule contains reasons for amending Rear Underrun Protection Device (RUPD) requirements. **Proposal 19** seeks to:

"change the requirement for rear under run protection devices so that it applies only to standard length vehicles where the load overhangs the vehicle structure by 1 m or more, and not to specially built over-length High Productivity Motor Vehicles".

2.2 Proposal 19's intention is translated within the Omnibus rule by amending clause 4.1(10A). Amended clause 4.1(10A) reads: (amended section underlined)

> **4.1(10A)** A towing vehicle and full trailer combination *that complies with all of the dimension requirements in table 4.1, and* with an overall length of more than 21 m, and a height of any substantive overhang above the ground greater than 0.55 m, must be fitted with an adjustable or removable rear underrun protection device that meets the technical requirements of *UN/ECE Regulation 58: Uniform provisions concerning the approval of: I. Rear underrun protective devices (RUPDs), II. Vehicles with regard to the installation of an RUPD of an approved type, III. Vehicles with regard to their rear underrun protection (RUP)*.

2.3 There are two primary reasons why this proposal should not be adopted.

- Amended clause 4.1(10A) does not successfully capture proposal 19's intention.
- Crash data suggests that for the majority of heavy vehicles RUPD is unnecessary.

2.4 Amending clause 4.1(10A) as proposed will capture vehicles that are currently being legitimately operated without having to be fitted with RUPD. There are standard motor vehicles currently in use whose dimensions meet the requirements of Table 4.1 but have rear overhangs exceeding 1 metre. These are primarily log transport vehicles able to be operated through a permit process. (Permits issued through NZTA in conjunction with LTSC secretary Bruce Nairn).

2.5 The intention is that HPMV's will in the future become standard motor vehicles. In this eventuality it is probable that these (HPMV) vehicles' dimensional parameters would be included in Table 4.1. Referencing table 4.1 within clause 4.1(10A) would create an undesirable anomaly within the rule.

2.6 These aspects have not gone unnoticed by industry members and the proposed amendment has created an amount of anxiety within

certain industry sectors. It may be wise, if the intention is not to place additional limitations on these vehicles, for NZTA to pacify these concerns well before the Omnibus proposals are finalised.

2.7 Crash data suggests that rear end accident events involving heavy vehicles are limited. Injuries are also minimal. Crash evidence also suggests that in the majority of crashes involving heavy vehicles in New Zealand RUPD structures do little to significantly reduce crash outcomes. In the majority of cases where smaller vehicles collide with the rear of heavy vehicles small vehicle penetration is limited by equipment other than RUPD structures.

2.8 The dimensional limits applying to New Zealand vehicles are different to vehicles in those jurisdictions that RUPD requirements are referenced from. The rear axles of New Zealand vehicles are predominately set further rearwards than their international counterparts. Setting axles closer to the rear of heavy vehicles limits vehicle protrusion from the rear. This makes RUPD fitment for a large number of vehicles unnecessary.

2.9 Single axle, tandem and tri axle semi trailers remain a concern as dimensional parameters enable them to have considerably larger rear overhangs than quad semi's, full trailers and rigid vehicles.

2.10 However, the nature of these vehicles' operation usually requires that they are fitted with bumpers or other similar devices. These structures are usually designed and fitted to satisfy RUPD requirements.

2.11 Rather than amending clause 4.1(10A) as proposed it makes greater sense to limit RUPD requirements to semi trailers with significant rear overhang. Tipping semis as an example tend to have short rear overhangs to aid tipping functionality

2.12 4.1(10A) in its current form enables this by already referencing "substantive overhang" when defining criteria for RUPD fitment .

2.13 Clause 4.1(10A) could be amended as follows to capture semi trailers with excessive rear overhang (amendment underlined).

> **4.1(10A)** A towing vehicle and <u>semi</u> trailer combination with a height of any substantive overhang above the ground greater than 0.55 m, must be fitted with an adjustable or removable rear underrun protection device that meets the technical requirements of *UN/ECE Regulation 58:Uniform provisions concerning the approval of: I. Rear underrun protective devices (RUPDs), II. Vehicles with regard to the installation of an RUPD of an approved type, III. Vehicles with regard to their rear underrun protection (RUP)*.

Proposal 18: Ferry tie down

2.14 Proposal 18 proposes to exclude ferry tie downs from being included in overall length calculations. We support this proposal. We would not support this proposal if the 50mm protrusion became the proxy for determining external projection compliance.

2.15 The *Issue/Reason For Change* section of the Omnibus amendment states: *""A device that projects too far can cause a hazard, so a maximum dimension needs to be specified and the device would still have to comply with Land Transport Rule: External Projections 2001, which requires such devices to be designed to minimise the risk to safety."*

2.16 The proposed maximum protrusion dimension (50mm) is an arbitrary figure which has no direct correlation to external projection requirements. Safety requirements within the External Projections Rule recommend that external projections be fitted with consideration to protrusion and injury minimisation.

2.17 Section 2 of the External Projections Rule provides a list of Standards that are to be complied with when fitting external projections. The Standards stipulate curvature radii, overhang, blending and provide information regarding the fitment of external projections. While a range of overseas Standards are listed within the External Projections

rule one Standard of interest to this discussion is UN/ECE Regulation Number 26.

2.18 Regulation 26 makes no attempt to define fixed maximum or minimum protrusion distances. Stating a maximum dimension in the Vehicle Dimensions and Mass rule will make New Zealand legislation inconsistent with international convention.

2.19 Stipulating a maximum distance now after a large number of vehicles have been fitted with ferry tie down equipment according to external projections confines will create inappropriate inconsistencies for ferry tie down fitment and enforcement criteria.

2.20 The 50mm front and rear protrusion criteria should apply only when making overall length calculations. The 50mm dimension can not be reliably used for external projection enforcement purposes.

PART 2

ROAD FREIGHT INDUSTRY PROPOSALS FOR RULE AMENDMENTS

3.0 VEHICLE LIGHTING RULE

3.1 Industry proposals

1) Amend the Vehicle Lighting Rule so that retro reflective tape is recognised as being similar to retro reflectors if retro reflective tape is of adequate quality, surface area and fitted in a way to delineate the outer edge of a heavy vehicle.

2) Amend the Vehicle Lighting Rule to make End Outline Marker Lamp requirements easier to understand.

Retro reflective tape

3.2 Section 9 of the vehicle Lighting rule requires that heavy vehicles be fitted with retro reflectors. Transport operators are regularly issued infringement notices and fail periodic safety inspections due to retro reflectors being missing, damaged or obscured on their vehicles. In the majority of cases these vehicles are also fitted with retro reflective tape around the outer periphery at the rear of the vehicle.

3.3 It is inequitable that a vehicle that has been fitted with approved retro reflective tape with a total area that vastly exceeds the required area for a retro reflector can be considered to be non-compliant or unsafe if a retro reflector is missing or obscured. This is especially so when considering that retro reflective tape fitted in this manner is significantly more visible than a retro reflector.

3.4 The way that retro reflective tape and retro reflectors are defined does not enable retro reflective tape to be considered as a substitute for retro reflectors.

Retro reflectors are defined within the rule as:

"A discrete item of lighting equipment that is designed to reflect incident light back towards the light source; but does not include retro reflective material."

Retro reflective tape (or reflective material) is defined as:

"Any material that is designed to reflect incident light back towards a light source or in a specific direction; but does not include a reflector."

3.5 Another option to enable retro reflective tape to be considered similar to retro reflectors is to amend clause 9.3(4) of the Vehicle Lighting Rule.

3.6 9.3(4) of the Vehicle Lighting Rule states;

"A motor vehicle of Group M, N or T or an unclassified motor vehicle (other than a vehicle in Schedule 3) must be fitted with at least one pair of rearward-facing retro reflectors at a height not exceeding 1.5 m from the ground, or at a height not exceeding 2.1 m from the ground if the shape of the bodywork of the vehicle makes it impracticable to comply with the 1.5-m height restriction."

3.7 While 9.3(4) takes care to provide the requirements for retro reflectors no similar provisions are applied to retro reflective tape.

3.8 Clause 9.3(4) could be amended as follows to enable this: (Industry proposal underlined)

"A motor vehicle of Group M, N or T or an unclassified motor vehicle (other than a vehicle in Schedule 3) must be fitted with at least one pair of rearward-facing retro reflector; or retro reflective material that is of adequate quality, surface area and fitment similar to that of retro reflectors *at a height not exceeding 1.5 m from the ground, or at a height not exceeding 2.1 m from the ground if the shape of the bodywork of the vehicle makes it impracticable to comply with the 1.5-m height restriction."*

3.9 Amending the definition of retro reflector or reflective tape or amending 9.3(4) as suggested would not reduce safety and would reduce compliance costs.

End Outline Marker Lamps

3.10 Late in 2011 a moratorium was placed on the inspection regime for mandatory forward and rearward facing end outline marker lamps (EOML) for heavy vehicles. The moratorium was implemented as amendments to inspection requirements for these lights caused a number of vehicles to unnecessarily fail safety inspections.

3.11 At the time that the inspection concerns were resolved it was noted that rule changes could assist with reducing uncertainty around EOML requirements.

3.12 The vast majority of these concerns have been addressed through further amendment of the VIRM. However, while the delivery of the rule's objectives has been clarified parts of the rule remain vague and are in need of amendment.

3.13 One of the remaining vagaries is that EOML's are defined in a number of ways including as position lamps. For example, an EOML is described as follows within the Definitions section of the rule:

"End outline marker means a ***position lamp*** *designed to be fitted near the outer extremity of a vehicle in addition to forward-*

facing and rearward-facing position lamps; and includes a cab roof lamp."

3.14 The definition of position lamp is indistinct within the rule. Position lamps are categorised within the Definitions section of the rule as:

"Side-marker lamp *means a* ***position lamp*** *designed to be fitted to the side of a vehicle or its load."*

Position lamp *means a low intensity lamp that is designed to indicate to road users the presence and dimensions of a vehicle, being:*
(a) a forward-facing position lamp; or
(b) a rearward-facing position lamp; or
(c) a side-marker lamp; or
(d) an end-outline marker lamp.

3.15 The definition of EOML is circular as an EOML is defined as a position lamp while (d) of this definition also defines a position lamp as an EOML.

3.16 The definition of end outline marker lamp could be simplified by stating that an end outline marker lamp is a forward or rear facing position lamp. This would be better achieved by removing the reference to EOML within (d) of the position lamp definition.

3.17 Doing so would not have an adverse affect on safety and would reduce compliance costs.

4.0 **VEHICLE DIMENSIONS AND MASS RULE**

Industry proposal

4.1 Provide reference in Section 6 of the Vehicle Dimensions and Mass rule to guidelines detailing the correct use of overdimension hazard equipment.

4.2 Transport operators are regularly issued infringements for not complying with overdimension hazard warning equipment requirements. Sometimes the issuing of these infringements is warranted. Sometimes it is not. Regardless, the volume of

infringements being issued suggests that there is a lack of clarity regarding overdimension hazard equipment use.

4.3 Officials recently suggested that a set of guidelines detailing the correct use of hazard warning equipment should be developed to improve this situation. It was also suggested that upon their completion the guidelines could then be approved and endorsed for use by the Police and the NZTA.

4.4 Those guidelines are nearing completion. It would be beneficial to provide reference to them in this round of the Omnibus amendment rather than delaying them.

4.5 The industry proposes referencing the guidelines within Section 6 of the Vehicle Dimensions and Mass rule. Clause 6.10(1) could be amended by including after (e) a new clause (f) stating:

> 6.10(1)(f) "or in accordance with Police, industry and NZTA approved and endorsed guidelines."

4.6 Doing so will benefit safety through increased compliance.